



DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

2016-0847

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Order Filed on August 25, 2017
by Clerk, U.S. Bankruptcy
Court - District of New Jersey

In Re:

John G. Sciortino
aka Jack Sciortino

Case No.: 17-18105-SLM

Hearing Date: 08/23/2017

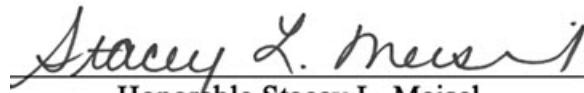
Judge: Honorable Stacey L. Meisel

Chapter: 13

ORDER RESOLVING OBJECTION TO CONFIRMATION

The relief set forth on the following pages, numbered two (2) through three (3) is hereby **ORDERED**.

DATED: August 25, 2017


Honorable Stacey L. Meisel
United States Bankruptcy Judge

Page 2 Debtor: John G. Sciortino

aka Jack Sciortino

Case No.: 17-18105-SLM

Caption of Order:

ORDER RESOLVING OBJECTION TO CONFIRMATION

Upon the objection to confirmation of debtor's plan and Powers Kirn, LLC, Attorney for Bank of America, NA servicing agent for The Bank of New York Mellon fka The Bank of New York, as successor trustee to JPMorgan Chase Bank, N.A., as Trustee on behalf of the Certificateholders of the CWHEQ Inc., CWHEQ Revolving Home Equity Loan Trust, Series 2005-M appearing and for cause shown, it is

ORDERED as follows:

1. The Bank of New York Mellon fka The Bank of New York, as successor trustee to JPMorgan Chase Bank, N.A., as Trustee on behalf of the Certificateholders of the CWHEQ Inc., CWHEQ Revolving Home Equity Loan Trust, Series 2005-M's claim shall be allowed as a non-priority general unsecured claim and shall be paid as such in accordance with the Debtor's Chapter 13 Plan.

2. The avoidance of The Bank of New York Mellon fka The Bank of New York, as successor trustee to JPMorgan Chase Bank, N.A., as Trustee on behalf of the Certificateholders of the CWHEQ Inc., CWHEQ Revolving Home Equity Loan Trust, Series 2005-M's second lien is contingent upon the Debtor's completion of the Chapter 13 plan and the Debtor's receipt of a Chapter 13 discharge.

3. The Bank of New York Mellon fka The Bank of New York, as successor trustee to JPMorgan Chase Bank, N.A., as Trustee on behalf of the Certificateholders of the CWHEQ Inc., CWHEQ Revolving Home Equity Loan Trust, Series 2005-M's shall retain its lien for the full amount due under the subject loan in the event of either the dismissal of the Debtor's Chapter 13 case or the conversion of the Debtor's Chapter 13 case to any other Chapter under the United States Bankruptcy Code.

4. Each party shall bear their own attorney's fees and costs incurred in the present case number.

5. In the event that the property is destroyed or damaged, pursuant to the mortgage, The Bank of New York Mellon fka The Bank of New York, as successor trustee to JPMorgan Chase Bank, N.A., as Trustee on behalf of the Certificateholders of the CWHEQ Inc., CWHEQ Revolving Home Equity Loan Trust, Series 2005-M is entitled to its full rights as a loss payee with respect to the insurance proceeds and has a security interest in such proceeds up to the entire balance due on the mortgage.

6. In the event any entity, including the holder of the first lien on the Subject Property forecloses on its security interest and extinguishes Creditor's lien prior to the Debtor's completion of the Chapter 13 plan, The Bank of New York Mellon fka The Bank of New York, as successor trustee to JPMorgan Chase Bank, N.A., as Trustee on behalf of the Certificateholders of the CWHEQ Inc., CWHEQ Revolving Home Equity Loan Trust, Series 2005-M's lien shall attach to the surplus proceeds of the foreclosure sale for the full amount

Page 3 Debtor: John G. Sciortino

aka Jack Sciortino

Case No.: 17-18105-SLM

Caption of Order:

ORDER RESOLVING OBJECTION TO CONFIRMATION

of the subject loan balance at the time of the sale.

7. The Bank of New York Mellon fka The Bank of New York, as successor trustee to JPMorgan Chase Bank, N.A., as Trustee on behalf of the Certificateholders of the CWHEQ Inc., CWHEQ Revolving Home Equity Loan Trust, Series 2005-M shall retain its lien for the full amount due under the subject loan should the subject property be sold, or a refinance take place prior to the Chapter 13 plan completion and entry of a Discharge.

8. The movant shall serve this order on the debtor, any trustee and other party who entered an appearance on the motion.